



County of Los Angeles
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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June 13, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
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From: Philip L. Browning
Director

RESPONSE TO ENHANCING EFFORTS TO INVESTIGATE HOTLINE REFERRALS INVOLVING CHILDREN IN GROUP HOMES AND STATE LICENSED FOSTER HOMES BOARD MOTION (ITEM NO. 60, AGENDA OF MAY 21, 2013)

On May 21, 2013, by motion of Supervisor Gloria Molina, the Board of Supervisors directed the Director of the Department of Children and Family Services (DCFS) to provide a written report, addressing specific questions related to how DCFS will enhance efforts to investigate Hotline referrals involving children in Group Homes (GH) and State Licensed Foster Homes by hiring seven additional staff. Specifically, what these additional positions will actually accomplish in terms of ensuring the safety of foster children and the accountability of the contract providers. The questions and responses are as follows:

Question 1:

If we have a number of group homes with outstanding corrective actions or funds they owe to the County, how does DCFS determine when to terminate their contract?

DCFS Response:

While the Foster Family Agency (FFA) and GH contracts have language providing for contract termination or non-renewal for failure of the contractor to resolve Corrective Action issues or to pay back overpayments of audit disallowances, the Department also makes a determination of the FFA or GH contractor's performance related to Child Safety, Permanency, Well-Being and Self Sufficiency.

If we determine an FFA or GH contractor's performance is lacking in critical areas, then the situation is assessed to determine if a request for corrective action is appropriate or if the

Department needs to sever its contractual relationship by removing all placed children/youth and placing the contractor on a Do Not Use (DNU) or Termination Hold status.

In regards to monies owed to the County with the issuance of the Auditor-Controller (A-C) final fiscal audit report, after successful conclusion of due process pursuant to State regulations, either in full or in part, DCFS will send a Notice of Action letter to the agency requesting payment in full for all unsettled disallowed costs identified in the final audit report. If the agency pays in full, the audit is settled. Should the agency fail to submit the full amount of the final questioned costs, DCFS refers the agency to the County Treasurer and Tax Collector (TTC) to enter into a repayment agreement.

The FFA and GH contractors submit either a notice of dispute to DCFS Fiscal Monitoring for the first review, and to the Out-of-Home Care Management Division (OHCMD) State Hearings and Appeals section, if a state hearing is requested. If the FFA and/or GH agrees or loses the state hearing, DCFS Fiscal Monitoring requests a fiscal Corrective Action Plan (FCAP) and either a lump sum payment is made or the FFA or GH contractor is referred to TTC to establish a repayment plan, as indicated above. The TTC establishes an account and sends routine billing, notices and collection information to the agency and DCFS.

If the contractor does not adhere to the repayment plan, then the Department evaluates the situation to determine the appropriate remedy, which may include but is not limited to, DCFS noticing the Contractor they will be evaluated on a monthly basis. This monthly review gives the Department the opportunity to review the contractor's progress and decide if it needs to proceed with submitting a Board letter recommending the Board terminate the contract for convenience. Noticing the contractor of this action has typically resulted in the contractor resuming payments as agreed without further interruption.

Should a contractor refuse to continue making payments, the Department would review the agency's entire performance (programmatic, fiscal and administrative) to determine if continued contracting is appropriate. If not, the Department would recommend non-renewal or termination of the agency's contract.

Question 2:

How many violations need to take place per agency before referrals are terminated?

DCFS Response:

DCFS may suspend referrals of children to an agency due to a singular or multiple violations, depending on the severity of the violations. For non-safety deficiencies (i.e. documentations issues, non-safety physical plant deficiencies), corrective action is required. Progressive action is imposed in the event of egregious or recurrent findings from compliance reviews, substandard care, and/or failure to implement requested corrective action. Progressive actions include Hold, DNR, and DNU statuses.

Question 3:

What is the anticipated impact of these new positions, ranging from today to one year from now?

DCFS Response:

These new positions will allow the Out-of-Home Care Investigations Section (OHCIS) to expand the scope of Out-of-Home Care investigations beyond FFA referrals by adding a secondary investigation of referrals of children placed in State licensed foster homes and GHs. OHCIS will be able to proactively identify licensed foster parents and GHs that will benefit from additional training and support to improve the quality of care provided to children. OHCIS will also be able to perform a comprehensive review and analysis of all prior Emergency Response (ER) referrals, Special Incident Reports (SIR), investigative findings and Corrective Action Plans (CAP) involving licensed foster parents and GHs for the purpose of identifying red flags and patterns of concern to determine if DCFS should continue to utilize the provider as a placement resource.

Question 4:

Would it be a better investment to recruit additional Foster Family Agencies (FFAs) that are in good standing, or mandate that agencies in good standing mentor troubled agencies?

DCFS Response:

Research and analysis would need to be completed to determine the feasibility and availability of small business education and other resources for non-profit organizations providing residentially based foster care placement and other services, and the viability of the County/Department contracting for such services for its contractors given the need for the County to find its contractors responsive and responsible prior to entering into contracts for services.

The State is charged with licensing FFA facilities and additional facilities would be a resource for DCFS. A responsible County contractor or bidder/proposer is one who (from MPP 23-600 Purchase of Service 23.601.24):

- a) Possesses adequate financial resources, or the ability to obtain such resources as required during the performance of the contract;
- b) Has the ability to comply with the proposed delivery or performance schedule, taking into consideration available expertise and any existing business commitments;
- c) Has no record of unsatisfactory performance, lack of integrity, or poor business ethics;

- d) Is otherwise qualified and eligible to receive an award under applicable statutes and regulations; and,
- e) Is a responsible bidder/proposer meaning one whose bid or proposal substantially complies with all requirements of the IFB or RFP.

Question 5:

How many FFAs and Group Homes are monitored by DCFS?

DCFS Response:

DCFS monitors 50 FFAs and 58 GHs, and two Community Treatment Facilities. Please note that the Probation Department (Probation) monitors 20 GHs. Both DCFS and Probation use the same monitoring tools and protocols and share the results of each other's findings.

Attached please find a copy of the list of all currently contracted FFAs and GHs. FFAs: 51 contracted agencies – one agency is on DNU status, one on DNR status, one on Hold status and one voluntarily no longer accepts placements.

GHs: 80 contracted agencies – two on DNU status, one on DNR status, four on Hold status. (Please note that 20 are monitored by Probation and 60 by DCFS.)

Question 6:

How many FFAs and GHs require a secondary inspection?

DCFS Response:

All FFAs and GHs would be subject to a secondary inspection by OHCIS if they receive a referral for abuse or neglect. ER Children's Social Workers (CSWs) will continue to complete the primary investigations of abuse or neglect involving allegations with all out-of-home care providers. Currently, OHCIS conducts secondary investigations involving abuse allegations with FFAs only.

Due to limited staffing resources, OHCIS has not completed secondary investigations of child abuse referrals involving children in GHs and State licensed foster homes. The investigative findings of referrals involving children in GHs and State licensed foster homes are forwarded to the OHCMD for review and any necessary action. Currently, 34 contracted FFAs have investigations open with OHCIS and are in the process of secondary investigation.

Question 7:

How many investigations were conducted by the Out-of-Home Care Investigation Section (OHCIS) unit in the last fiscal year (FY 2012-13)?

DCFS Response:

OHCIS completed investigations of 830 referrals during FY 2011-12, and 708 investigations of referrals were completed from July 1, 2012 – April 30, 2013.

Question 8:

Were there investigations that should have been conducted but were not completed?

- a. If so, how many?
- b. How will the backlog of these investigations be addressed?

DCFS Response:

ER CSWs conducted investigations of allegations of abuse or neglect with all out-of-home care providers. OHCIS completed secondary investigations of allegations of abuse or neglect with FFAs. State licensed foster homes and GHs have not received secondary investigations by OHCIS, however, the investigative findings were provided to the OHCMD for appropriate action.

- a. In calendar year 2012, 273 ER referrals alleging abuse or neglect were received for State licensed foster homes and 328 referrals were received for GHs.
- b. The OCHMD took appropriate action (i.e., established CAPs, placed investigative Holds, etc.) for substantiated allegations.

Question 9:

There are five components: allegations, investigative findings, incidents, corrective action plans, and patterns of concern. What is the criterion for triaging these components?

- a. What will be addressed first?
- b. How will it be addressed?
- c. Is there a comprehensive list of Foster Homes and Groups Homes to be investigated? Provide list.

DCFS Response:

- a. Allegations and incidents involving child safety are addressed immediately.

- b. The OHCIS staff: Gather and share relevant information (i.e., history of prior OHCIS investigations involving the facility, SIRS, Investigative and Indefinite Hold Status, CAPs) with the assigned ER CSW, the assigned Continuing Services CSW, Community Care Licensing (CCL), OHCMD Monitoring staff and other relevant entities; Conduct private interviews with the alleged victims still residing in the home/facility, other children in the facility who were not alleged victims regarding their care and treatment, the caregiver and other adults in the home as warranted regarding the referral incident; Examine the premises and collaborate with OHCMD monitors as appropriate to evaluate the overall safety of the environment; Perform a comprehensive review and analysis of all prior ER referrals, SIRS, investigative findings and CAPs for the purpose of identifying red flags and patterns of concern necessitating corrective action; Interview agency staff; Consult with CCL; and Interview other pertinent collateral contacts.
- c. All contracted FFAs and GHs would be subject to an ER investigation and a secondary OHCIS investigation if a referral is received alleging abuse or neglect.

Question 10:

What is the time period between the Emergency Response investigation and the secondary investigation?

DCFS Response:

The DCFS Child Protection Hotline forwards the referrals for abuse in out-of-home care to OHCIS at the time of the assignment to an ER CSW. OHCIS is to complete the secondary investigation within 60 days of the ER CSW's referral disposition.

Question 11:

Who is currently conducting secondary investigations?

DCFS Response:

OHCIS currently completes investigations of referrals for abuse in FFAs only.

Question 12:

Once Foster Parents and/or GHs are found to be in violation of State regulations and/or their contract is in violation, how long does it take for corrective action to be taken?

- a. What is meant by "expeditious action"?
- b. How is it different from current practice?

DCFS Response:

Corrective action is requested immediately for violations that may impact child safety. Despite the immediate correction of any findings, the current FFA and GH contract requires that the agency still provide a written CAP to DCFS within 30 days for documentation and continued monitoring.

- a. What is meant by “expeditious action”? How is it different from current practice?

The current practice includes an ER investigation, but does not include a secondary investigation by OHCIS for State licensed foster homes and GHs. Additional staffing will allow for a secondary investigation to be completed by OHCIS at the same time of the ER investigation so that OHCIS can determine if the home or facility should continue to be used as a placement resource.

Question 13:

What is the current practice for corrective actions of group homes and foster care agencies in violation?

DCFS Response:

When DCFS reasonably determines that a GH or FFA’s violation is correctable; a CAP shall serve as the agency’s commitment to remedy the violation. A CAP is required in response to violations uncovered in the normal course of business, as a result of investigations of abuse/neglect in out-of-home care, or in audits of program contract requirements.

When immediate corrective action is required, verbal notice is given to the agency with a specific due date not to exceed three calendar days to correct the violation. Where immediate action is not required, the agency must submit a proposed CAP to DCFS within 30 calendar days from receipt of written request from DCFS. The agency’s CAP is reviewed and approved by DCFS within 15 business days.

An appropriate CAP includes: The detailed action necessary to correct the deficiency/violation; An explanation of how corrections will be implemented; An explanation of what actions will take place to ensure that the corrective action is maintained; and a thorough plan addressing prevention of subsequent violations and/or inappropriate action. Timeframes, as necessary, will be provided as well as who is responsible for ensuring the action(s) is/are carried out. An addendum will be required if the CAP does not adequately address all issues. A Hold, DNR or DNU status may be imposed at the discretion of DCFS if the requested corrective action is not implemented or maintained, or if the agency does not submit an approved CAP within the agreed upon timeframe.

Question 14:

How many current positions are housed in the Out-of-Home Care Investigation Section (OHCIS) of DCFS?

DCFS Response:

Sixteen (16) staff positions are assigned to OHCIS.

Question 15:

How was the number of new positions determined?

- a) Why seven?
- b) How will the workload be distributed among the seven staff?
- c) Will there be a performance assessment of this unit to determine impact on workload by additional staff?
 - i. If so, when?
 - ii. If not, why?

DCFS Response:

- a) Why 7?

Seven (7) positions would enable DCFS to expand the scope of OHCIS investigations beyond FFA referrals, adding GHs as well as State-licensed foster home referrals.

- b) How will the workload be distributed among the 7 staff?

The seven (7) staff will increase the number of investigators to 17, and they would receive referrals on a rotational basis.

- c) Will there be a performance assessment of this unit to determine impact on workload by additional staff?

Yes.

 - i. If so, when?

The quality of the investigations will be reviewed for each investigation completed. The number of referrals investigated will also be tracked for the timely completion of referrals.

Question 16:

It has been stated that recruitment for these positions is to be conducted from within the Department; how will the vacated position be back-filled?

- a. What is the timeline for filling these positions?
- b. How will this impact the current workload of the Out-of-Home Care Investigation Section (OHCIS) unit?

DCFS Response:

- a. We began the process as soon as the Board approved the motion and hope to fill the positions within the next 30-45 days.
- b. Adding the new staff will allow OHCIS to include investigations of State licensed foster homes and GHs in the current workload.

Question 17:

The Board requested a plan with specifics: 1) outline how DCFS will perform annual programmatic audits; 2) budget and identify the number of fiscal audits to be conducted annually; 3) explain why DCFS and the A-C have not collaborated to produce a comprehensive audit report during years when fiscal/programmatic audits overlap; 4) clarify the status of the existing system and the efforts utilized to track and collect payments; 5) recommendation for a collection policy and outline. What is the status of that plan?

DCFS Response:

The Board Motion recommended by Supervisor Ridley-Thomas instructs DCFS, the A-C and the Chief Executive Office to report back in 30 days regarding strengthening the County's oversight of FFAs and GHs for children under DCFS supervision. Meetings have been held and a plan is being developed which will address the items listed above.

Question 18:

In the scope of work, who conducts program audits and who will conduct fiscal audits? Explain how these audits will overlap within the new staff assignments.

DCFS Response:

DCFS will continue to perform program audits for FFAs and GHs and the A-C will continue to perform fiscal audits. DCFS will continue to collaborate with the A-C around programmatic findings with fiscal impact. The new staff will be assigned to complete investigations on abuse allegations in GHs and State licensed foster homes. The investigators will provide their

findings to the Foster Home Re-Evaluation and Group Home Monitoring staff to enhance the monitoring and oversight of our placement providers.

If you have any questions, you may contact me, or your staff may contact Aldo Marin, Board Relations Manager, at (213) 351-5530.

PLB:EM
HK:lj

c: Chief Executive Officer
Director, Department of Public Social Services
Chief Probation Officer
Executive Officer, Board of Supervisors
Deputy Chief Executive Officer